

Appln No. 10/751,341
Amdt date September 7, 2006
Reply to Office action of June 12, 2006

REMARKS/ARGUMENTS

The Examiner has provisionally rejected Claims 1 - 2 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 21 of co-pending application Serial No. 10/746,540. The Examiner states that Claims 1 - 2 would be allowable if a timely Terminal Disclaimer is filed.


The Applicants submit herewith a Terminal Disclaimer to overcome the obviousness-type double patenting rejection. Accordingly, the Applicants respectfully request that the provisional double-patenting rejection be withdrawn.

Claim 3 is dependent on Claim 2. As such, Claim 3 would now be allowable based upon Claim 2.

Therefore, in view of the above remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. As such, allowance of the above Application is requested.

Respectfully submitted,

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